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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,180	11/25/2003	Keiichi Koga	033294-021	4336
21839	7590	01/09/2006	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			SY, MARIANO ONG	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/720,180	KOGA ET AL.
	<b>Examiner</b> Mariano Sy	<b>Art Unit</b> 3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 October 2005.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4, 10-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4, 10-12 and 14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

1. The amendment filed on October 21, 2005 has been received.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 10-12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Siepker (US 6,019,436) or anticipated by Yanaka et al. (US 6,631,796).

Siepker disclosed, as shown in the figure, an electric parking brake apparatus comprising: a parking brake which does not utilize fluid pressure for generating parking brake force, including a rotation member rotating with a wheel, and a friction member; electric drive means for driving the friction member; control means for performing parking brake activation control in order to operate the electric means until a pressure-contact-force-related quantity, which changes in accordance with pressure contact force of friction member, reaches a predetermined target pressure-contact-force-related quantity, to bring the parking brake into an activated state so as to stop and maintain the vehicle in a stopped state, and stop the operation of the electric means; and a force transmission blocking mechanism, interposed between electric drive means and parking brake, permitting transmission of drive torque of electric drive means to the friction member, but blocking transmission, to electric drive means, wherein the magnitude of a

force that the friction member receives from rotation member changes in a state which the parking brake is in the activated state upon completion of parking brake activation control, the control means again performs the parking brake activation control, see col. 4, lines 32-67; col. 5, lines 1-15; col. 6, lines 36-52.

Yanaka et al. disclosed, as shown in the fig. 1-9, an electric parking brake apparatus comprising: a parking brake which does not utilize fluid pressure for generating parking brake force, including a rotation member rotating with a wheel, and a friction member; electric drive means for driving the friction member; control means for performing parking brake activation control in order to operate the electric means until a pressure-contact-force-related quantity, which changes in accordance with pressure contact force of friction member, reaches a predetermined target pressure-contact-force-related quantity, to bring the parking brake into an activated state so as to stop and maintain the vehicle in a stopped state, and stop the operation of the electric means; and a force transmission blocking mechanism, interposed between electric drive means and parking brake, permitting transmission of drive torque of electric drive means to the friction member, but blocking transmission, to electric drive means, wherein the magnitude of a force that the friction member receives from rotation member changes in a state which the parking brake is in the activated state upon completion of parking brake activation control, the control means again performs the parking brake activation control, see abstract and summary of the invention.

## **ARGUMENT**

4. In the Remarks, applicant amended claim 1 to recite "an electric parking brake apparatus operable independently of pressurized fluid, comprising a parking brake of a type which does not utilize pressurized fluid for generating parking brake force".

Applicant argued that Siepker '436 does not read on the amended claim 1 and unlike Siepker's apparatus, the presently claimed apparatus can be provided and utilized completely independently of a hydraulic system.

Examiner disagrees with applicant's argument. Siepker's apparatus still reads on the amended claim 1. Siepker disclosed, as shown in the figure, an electronic control unit selects the appropriate one of the power units, and generates control signals which are provided to the electromechanical unit 3 to actuate the electromechanical parking brake 3a and to the hydraulic pressure generator 4 to actuate the hydraulic brake 4a, see col. 2, lines 34-43.

As for claim 14, applicant argued the Siepker never discloses the brake-driving force is transmitted through the tension of a wire. Brake-driving force transmitted through the tension of a wire is old and well known and which is a standard type of parking brake in modern cars, see col. 4, lines 52-55.

5. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matsuo et al. (US 4,629,043)

Rath (US 5,251,968)

Taniguchi (US 6,662,909)

Yanaka et al. (US 6,860,570)

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariano Sy whose telephone number is 571-272-7126.

The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan, can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is

571-273-8300 Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*M. Sy*  
M. Sy

January 4, 2006

*J. McClellan*  
JAMES MCCLELLAN  
PRIMARY EXAMINER